

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CYNTHIA MCGRATH, INDIVIDUALLY AND AS  
ADMINISTRATRIX AD PROSEQUENDUM OF THE  
ESTATE OF MEGAN WRIGHT,

Plaintiff, 07 CIV. 11279 (SCR)

-against-

ANSWER OF DEFENDANT  
RICHARD FEGINS JR.

DOMINICAN COLLEGE OF BLAUVELT,  
NEW YORK, SISTER MARY EILEEN O'BRIEN,  
INDIVIDUALLY AND AS PRESIDENT OF  
DOMINICAN COLLEGE, JOHN LENNON,  
INDIVIDUALLY AND AS DIRECTOR OF  
SECURITY OF DOMINICAN COLLEGE, JOHN  
PRESCOTT, INDIVIDUALLY AS DEAN OF  
STUDENTS OF DOMINICAN COLLEGE, CARLYLE  
HICKS, INDIVIDUALLY AND AS DIRECTOR OF  
RESIDENT LIFE OF DOMINICAN COLLEGE,  
RICHARD FEGINS, JR., KENNETH A.  
THORNE, JR., ISAIAH LYNCH, and TERRELL E.  
HILL,

Defendants.

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Defendant Richard Fegins, Jr., by his counsel Samimi & Murphy, answers to the Complaint of Plaintiff Cynthia McGrath, individually and as Administratrix Ad Prosequendum of the Estate of Megan Wright as follows:

1. Denies the allegations set forth in paragraph 1 of the Complaint.

2. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 2 of the Complaint.

3. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 3 of the Complaint.

4. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 4 of the Complaint.

5. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 5 of the Complaint. Denies there was any assault on Megan Wright.

6. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 6 of the Complaint. Denies there was any assault on Megan Wright.

7. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 7 of the Complaint. Denies there was any attack on Megan Wright.

8. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 8 of the Complaint. Denies there was any attack on Megan Wright.

9. Denies the allegations set forth in paragraph 9 of the Complaint.

10. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 10 of the Complaint.

11. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 11 of the Complaint.

12. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 12 of the Complaint.

13. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 13 of the Complaint.

14. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 14 of the Complaint.

15. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 15 of the Complaint.

16. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 16 of the Complaint.

17. Admits the allegations set forth in paragraph 17 of the Complaint.

18. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 18 of the Complaint.

19. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 19 of the Complaint.

20. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 20 of the Complaint.

21. Denies the allegations set forth in paragraph 21 of the Complaint.

22. Admits the allegations set forth in paragraph 22 of the Complaint.

23. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 23 of the Complaint.

24. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 24 of the Complaint.

25. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 25 of the Complaint.

26. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 26 of the Complaint.

27. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 27 of the Complaint.

28. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 28 of the Complaint.

29. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 29 of the Complaint.

30. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 30 of the Complaint.

31. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 31 of the Complaint.

32. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 32 of the Complaint.

33. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 33 of the Complaint.

34. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 34 of the Complaint.

35. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 35 of the Complaint.

36. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 36 of the Complaint.

37. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 37 of the Complaint.

38. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 38 of the Complaint.

39. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 39 of the Complaint.

40. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 40 of the Complaint.

41. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 41 of the Complaint.

42. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 42 of the Complaint.

43. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 43 of the Complaint.

44. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 44 of the Complaint.

45. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 45 of the Complaint.

46. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 46 of the Complaint.

47. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 47 of the Complaint.

48. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 48 of the Complaint.

49. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 49 of the Complaint.

50. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 50 of the Complaint.

51. Denies the allegations set forth in paragraph 51 of the Complaint.

52. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 52 of the Complaint.

53. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 53 of the Complaint.

54. Denies the allegations set forth in paragraph 54 of the Complaint.

55. Denies the allegations set forth in paragraph 55 of the Complaint.

56. Denies the allegations set forth in paragraph 56 of the Complaint.

57. Denies the allegations set forth in paragraph 57 of the Complaint.

58. Denies the allegations set forth in paragraph 58 of the Complaint.

59. Denies the allegations set forth in paragraph 59 of the Complaint.

60. Denies the allegations set forth in paragraph 60 of the Complaint.

61. Denies the allegations set forth in paragraph 61 of the Complaint.

62. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 62 of the Complaint.

63. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 63 of the Complaint. Denies Megan Wright was attacked.

64. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 64 of the Complaint.

65. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 65 of the Complaint.

66. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 66 of the Complaint.

67. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 67 of the Complaint.

68. Denies the allegations set forth in paragraph 68.

69. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 69 of the Complaint.

70. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 70 of the Complaint. Denies there was a sexual assault on May 7, 2006.

71. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 71 of the Complaint.

72. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 72 of the Complaint.

73. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 73 of the Complaint.

74. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 74 of the Complaint.

75. Denies the allegations set forth in paragraph 75 of the Complaint. Denies there was an assault or an attack.

76. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 76 of the Complaint.

77. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 77 of the Complaint.

78. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 78 of the Complaint.

79. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 79 of the Complaint.

80. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 48 of the Complaint. Denies there was a rape.

81. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 81 of the Complaint.

82. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 82 of the Complaint. Denies that Megan Wright was attacked.

83. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 83 of the Complaint. Denies there was an attack or an assault.

84. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 84 of the Complaint. Denies there was a sexual assault on Megan Wright.

85. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph

85 of the Complaint. Denies there was a sexual assault on Megan Wright.

86. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 48 of the Complaint. Denies there was an attack or an assault on Megan Wright.

87. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 87 of the Complaint.

88. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 88 of the Complaint.

89. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 89 of the Complaint. Denies there was an attack on Megan Wright.

90. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 48 of the Complaint. Denies there were any assailants or that there was an assault.

91. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 91 of the Complaint.

92. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 92 of the Complaint. Denies there were any assailants or that there was an assault.

93. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 93 of the Complaint. Denies there was any assailants or that there was an assault.

94. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 94 of the Complaint.

95. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 95 of the Complaint. Denies there was any assailants or that there was an assault.

96. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 96 of the Complaint. Denies there was an attack.

97. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 97 of the Complaint.

98. Denies the first sentence of the allegations set forth in paragraph 98 of the Complaint and denies knowledge and information sufficient to form a response to the second

sentence of the allegations set forth in paragraph 98 of the Complaint.

99. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 99 of the Complaint.

100. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 100 of the Complaint.

101. Denies the allegations set forth in paragraph 101 of the Complaint.

102. Denies the allegations set forth in paragraph 102 of the Complaint.

103. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 103 of the Complaint.

104. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 104 of the Complaint.

105. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "104" with the same force and effect as if fully set forth herein for his response to paragraph 105 of the Complaint.

106. Denies the allegations set forth in paragraph 106 of the Complaint.

107. Denies the allegations set forth in paragraph 107 of the Complaint.

108. Denies the allegations set forth in paragraph 108 of the Complaint.

109. Denies the allegations set forth in paragraph 109 of the Complaint.

110. Denies the allegations set forth in paragraph 110 of the Complaint.

111. Denies the allegations set forth in paragraph 111 of the Complaint.

112. Denies the allegations set forth in paragraph 112 of the Complaint.

113. Denies the allegations set forth in paragraph 113 of the Complaint.

114. Denies the allegations set forth in paragraph 114 of the Complaint.

115. Denies the allegations set forth in paragraph 115 of the Complaint.

116. Denies the allegations set forth in paragraph 116 of the Complaint.

117. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 117 of the Complaint.

118. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 118 of the Complaint.

119. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 119 of the Complaint.

120. Denies the allegations set forth in paragraph 120 of the Complaint.

121. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 121 of the Complaint.

122. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 122 of the Complaint.

123. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 123 of the Complaint.

124. Denies the allegations set forth in paragraph 124 of the Complaint.

125. Denies the allegations set forth in paragraph 125 of the Complaint.

126. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "125" with the same force and effect as if fully set forth herein for his response to paragraph 126 of the Complaint.

127. Denies the allegations set forth in paragraph 127 of the Complaint.

128. Denies the allegations set forth in paragraph 128 of the Complaint.

129. Denies the allegations set forth in paragraph 129 of the Complaint.

130. Denies the allegations set forth in paragraph 130 of the Complaint.

131. Denies the allegations set forth in paragraph 131 of the Complaint.

132. Denies the allegations set forth in paragraph 132 of the Complaint.

133. Denies the allegations set forth in paragraph 133 of the Complaint.

134. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "133" with the same force and effect as if fully

set forth herein for his response to paragraph 134 of the Complaint.

135. Denies the allegations set forth in paragraph 135 of the Complaint.

136. Denies the allegations set forth in paragraph 136 of the Complaint.

137. Denies the allegations set forth in paragraph 137 of the Complaint.

138. Denies the allegations set forth in paragraph 138 of the Complaint.

139. Denies the allegations set forth in paragraph 139 of the Complaint.

140. Denies the allegations set forth in paragraph 140 of the Complaint.

141. Denies the allegations set forth in paragraph 141 of the Complaint.

142. Denies the allegations set forth in paragraph 142 of the Complaint.

143. Denies the allegations set forth in paragraph 143 of the Complaint.

144. Denies the allegations set forth in paragraph 144 of the Complaint.

145. Denies the allegations set forth in paragraph 145 of the Complaint.

146. Denies the allegations set forth in paragraph 146 of the Complaint.

147. Denies the allegations set forth in paragraph 147 of the Complaint.

148. Richard Fegins, Jr., repeats and realleges his response to the allegations set forth at paragraphs "1" through "147" with the same force and effect as if fully set forth herein for his response to paragraph 148 of the Complaint.

149. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 149 of the Complaint.

150. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 150 of the Complaint.

151. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 151 of the Complaint.

152. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 152 of the Complaint.

153. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 153 of the Complaint.

154. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 154 of the Complaint.

155. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 155 of the Complaint.

156. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 156 of the Complaint.

157. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 157 of the Complaint.

158. Denies the allegations set forth in paragraph 158 of the Complaint.

159. Denies the allegations set forth in paragraph 159 of the Complaint.

160. Denies the allegations set forth in paragraph 160 of the Complaint.

161. Denies the allegations set forth in paragraph 161 of the Complaint.

162. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "161" with the same force and effect as if fully set forth herein for his response to paragraph 162 of the Complaint.

163. Denies the allegations set forth in paragraph 163 of the Complaint.

164. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 164 of the Complaint.

165. Denies the allegations set forth in paragraph 165 of the Complaint.

166. Denies the allegations set forth in paragraph 166 of the Complaint.

167. Denies the allegations set forth in paragraph 167 of the Complaint.

168. Denies the allegations set forth in paragraph 168 of the Complaint.

169. Denies the allegations set forth in paragraph 169 of the Complaint.

170. Denies the allegations set forth in paragraph 170 of the Complaint.

171. Denies the allegations set forth in paragraph 171 of the Complaint.

172. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "171" with the same force and effect as if fully set forth herein for his response to paragraph 172 of the Complaint.

173. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 173 of the Complaint.

174. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 174 of the Complaint.

175. Denies the allegations set forth in paragraph 175 of the Complaint.

176. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 176 of the Complaint.

177. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 177 of the Complaint. Denies there was an attack or assault.

178. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 178 of the Complaint. Denies there was an attack or assault.

179. Denies the allegations set forth in paragraph 179 of the Complaint.

180. Denies the allegations set forth in paragraph 180 of the Complaint.

181. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "180" with the same force and effect as if fully set forth herein for his response to paragraph 181 of the Complaint.

182. Denies the allegations set forth in paragraph 182 of the Complaint.

183. Denies the allegations set forth in paragraph 183 of the Complaint.

184. Denies the allegations set forth in paragraph 184 of the Complaint.

185. Denies the allegations set forth in paragraph 185 of the Complaint.

186. Denies the allegations set forth in paragraph 186 of the Complaint.

187. Denies the allegations set forth in paragraph 187 of the Complaint.

188. Denies the allegations set forth in paragraph 188 of the Complaint.

189. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "188" with the same force and effect as if fully set forth herein for his response to paragraph 189 of the Complaint.

190. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 190 of the Complaint.

191. Denies knowledge and information sufficient to form a response to the allegations set forth in paragraph 191 of the Complaint.

192. Denies the allegations set forth in paragraph 192 of the Complaint.

193. Denies the allegations set forth in paragraph 193 of the Complaint.

194. Denies the allegations set forth in paragraph 194 of the Complaint.

195. Denies the allegations set forth in paragraph 195 of the Complaint.

196. Denies the allegations set forth in paragraph 196 of the Complaint.

197. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "196" with the same force and effect as if fully set forth herein for his response to paragraph 197 of the Complaint.

198. Denies the allegations set forth in paragraph 198 of the Complaint.

199. Denies the allegations set forth in paragraph 199 of the Complaint.

200. Denies the allegations set forth in paragraph 200 of the Complaint.

201. Denies the allegations set forth in paragraph 201 of the Complaint.

202. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "201" with the same force and effect as if fully set forth herein for his response to paragraph 202 of the Complaint.

203. Denies the allegations set forth in paragraph 203 of the Complaint.

204. Denies the allegations set forth in paragraph 204 of the Complaint.

205. Denies the allegations set forth in paragraph 205 of the Complaint.

206. Denies the allegations set forth in paragraph 206 of the Complaint.

207. Denies the allegations set forth in paragraph 207 of the Complaint.

208. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "207" with the same force and effect as if fully set forth herein for his response to paragraph 208 of the Complaint.

209. Denies the allegations set forth in paragraph 209 of the Complaint.

210. Denies the allegations set forth in paragraph 210 of the Complaint.

211. Denies the allegations set forth in paragraph 211 of the Complaint.

212. Denies the allegations set forth in paragraph 212 of the Complaint.

213. Denies the allegations set forth in paragraph 213 of the Complaint.

214. Denies the allegations set forth in paragraph 214 of the Complaint.

215. Denies the allegations set forth in paragraph 215 of the Complaint.

216. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "215" with the same force and effect as if fully set forth herein for his response to paragraph 216 of the Complaint.

217. Denies the allegations set forth in paragraph 217 of the Complaint.

218. Denies the allegations set forth in paragraph 218 of the Complaint.

219. Denies the allegations set forth in paragraph 219 of the Complaint.

220. Denies the allegations set forth in paragraph 220 of the Complaint.

221. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "220" with the same force and effect as if fully set forth herein for his response to paragraph 221 of the Complaint.

222. Denies the allegations set forth in paragraph 222 of the Complaint.

223. Denies the allegations set forth in paragraph 223 of the Complaint.

224. Denies the allegations set forth in paragraph 224 of the Complaint.

225. Denies the allegations set forth in paragraph 225 of the Complaint.

226. Denies the allegations set forth in paragraph 226 of the Complaint.

227. Denies the allegations set forth in paragraph 227 of the Complaint.

228. Denies the allegations set forth in paragraph 228 of the Complaint.

229. Richard Fegins, Jr., repeats and realleges his responses to the allegations set forth at paragraphs "1" through "228" with the same force and effect as if fully set forth herein for his response to paragraph 229 of the Complaint.

230. Denies the allegations set forth in paragraph 230 of the Complaint.

231. Denies the allegations set forth in paragraph 231 of the Complaint.

232. Denies the allegations set forth in paragraph 232 of the Complaint.

233. Denies the allegations set forth in paragraph 233 of the Complaint.

234. Denies the allegations set forth in paragraph 234 of the Complaint.

235. Richard Fegins, Jr., repeats and realleges his response to the allegations set forth at paragraphs "1" through "234" with the same force and effect as if fully set forth herein for its response to paragraph 235 of the Complaint.

236. Denies the allegations set forth in paragraph 236 of the Complaint.

237. Denies the allegations set forth in paragraph 237 of the Complaint.

238. Denies the allegations set forth in paragraph 238 of the Complaint.

239. Denies the allegations set forth in paragraph 239 of the Complaint.

240. Denies the allegations set forth in paragraph 240 of the Complaint.

241. Denies the allegations set forth in paragraph 241 of the Complaint.

242. Denies the allegations set forth in paragraph 242 of the Complaint.

243. Denies the allegations set forth in paragraph 243 of the Complaint.

AS AND FOR A FIRST DEFENSE

244. The Complaint is barred by the statue of limitations.

AS AND FOR A SECOND DEFENSE

245. The Complaint fails to set forth proper claims.

AS AND FOR A THRID DEFENSE

246. There is no independent tort of civil conspiracy to commit battery.

AS AND FOR A FOURTH DEFENSE

247. There is no independent tort to aid and abet a battery.

Wherefore the Complaint should be dismissed in its entirety and the Court should grant costs and disbursements to Richard Fegins, Jr. and other such relief that the Court deems just and proper.

Dated: New City, New York  
January , 2008

SAMIMI & MURPHY

By:

Kenneth J. Murphy, Esq.  
616 S. Main Street  
New City, NY 10956  
845-639-1320 845-639-8069(Fax)  
Attorney for Defendant  
Richard Fegins Jr.

Certificate of Service

I hereby certify that on the 29<sup>th</sup> day of January, 2008 I caused to be served via the U.S. Postal System, overnight delivery, the Answer of Defendant Richard Fegins Jr. upon the following:

Kirkpatrick & Lockhart Preston Gates Ellis LLP  
599 Lexington Ave.  
New York, NY 10022-6030